

Dale M. Cendali
Joshua L. Simmons
Emma Raviv
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
dale.cendali@kirkland.com
joshua.simmons@kirkland.com
emma.raviv@kirkland.com

*Attorneys for Defendants 2K Games, Inc.
and Take-Two Interactive Software, Inc.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOLID OAK SKETCHES, LLC,

Plaintiff,

v.

VISUAL CONCEPTS, INC.; 2K GAMES,
INC.; TAKE-TWO INTERACTIVE
SOFTWARE, INC.,

Defendants.

CASE NO. 1:16-cv-724(LTS)(RLE)

ECF Case

**DEFENDANTS 2K GAMES, INC. AND TAKE-TWO INTERACTIVE SOFTWARE,
INC.'S NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc.'s Motion to Dismiss, and all prior pleadings and proceedings herein, defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, "Take-Two") will move this Court before the Honorable Laura Taylor Swain, United States District Judge, in Courtroom 12D, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on a date and a time designated by the Court, for an Order granting Defendants' motion to dismiss certain claims for damages asserted against Take-Two in Plaintiff Solid Oak Sketches, LLC's ("Solid Oak") First Amended Complaint for Copyright Infringement, dated April 6, 2016, and granting such other and further relief as the Court deems just and proper.

Take-Two certifies that it used its best efforts to informally resolve these matters before filing this motion to dismiss. Pursuant to Rule (A)(2)(b)(i) of Judge Swain's Individual Rules, on March 2, 2016, Take-Two sent Solid Oak a letter indicating its potential grounds for a motion to dismiss. Solid Oak responded and the parties held a telephonic conference to discuss the issue. In those communications, Solid Oak made clear that it would not amend its original complaint, dated February 1, 2016, except to correct an erroneously-named party. Solid Oak moved to amend its complaint on March 15, 2016 to correct this erroneously-named party. The court granted that motion on April 6, 2016. This amendment, however, does not resolve the issues set forth in Take-Two's letter, and therefore has not been amended in response to the arguments raised in this motion. Accordingly, Take-Two had no choice but to file this motion to dismiss.

Dated: New York, New York
April 19, 2016

/s/ Dale M. Cendali

Dale M. Cendali
Joshua L. Simmons
Emma Raviv
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
dale.cendali@kirkland.com
joshua.simmons@kirkland.com
emma.raviv@kirkland.com

Attorneys for Defendants 2K Games, Inc. and
Take-Two Interactive Software, Inc.